IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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MONDAY, THE TWENTIETH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.4966 OF 2006

Between:

Pasnuri Mohan Reddy … Petitioner

Versus

The District Collector,

Nalgonda district & Ors. … Respondents

Counsel for the Petitioner : Sri B.Mahender Reddy

Counsel for the Respondents: GP for Land Acquisition

O R D E R :

The case of the petitioner is that he is the owner in respect of the land to an extent of Ac:01-28 ½ guntas in survey no.197 (Ac:02-1/2 guntas) and in survey no.198 (Ac:1-26 guntas) situated at Devarkonda village of Nalgonda district was acquired by the Government for the purpose of laying a pipeline by the Hyderabad Metropolitan Water and Sewerage Board by issuing section 4 (1) notification in the A.P.Gazette dated 06-1-1998, Gazette No.64 Part-I as per Award Proceedings No.E1/4733/2003 dated 03-1-2004 respectively.

It is stated that the award was also passed in Proceedings No.E1/4733/2003 dated 03-1-2004 by the Land Acquisition Officer. The notice award under section 12 (2) of the Land Acquisition Act in Form No.9 dated 03-1-2004 was issued to the petitioner and the same was received by the petitioner on 03-1-2004 alone.

It is stated that within the prescribed time, the petitioner made an application to refer the matter under section 18 of the Land Acquisition Act on 04-3-2004 but the said application

has not been considered and disposed of.

On the other hand, the second respondent vide his Lr.No.E1/4733/03 dated 15-6-2005 requested the District Collector, Nalgonda, to refer the matter to the competent civil court under section 18 of the Land Acquisition Act, as the petitioner fulfilled the conditions under section 18 of the Land Acquisition Act read with section 31 (2) of the Land Acquisition Act.

I am of the opinion that it is the duty of the Land Acquisition Officer to refer the matter without any instructions from the District Collector, Nalgonda.

Having regard to the facts and circumstances, the second respondent is directed to refer the matter for determination of the compensation under section 18 of the Land Acquisition Act to the competent civil court pursuant to the application filed by the petitioner on 03-2-2004 without reference to his letter dated 15-6-2005 addressed to the District Collector, Nalgonda, as the permission from the District Collector, Nalgonda is not required for referring the matter under section 18 of the Land Acquisition Act. The above exercise shall be completed within six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

MARCH 20th, 2006. ----------

I s L. V. ESWARAIAH , J.